

McDANIEL,
HIXON,
LONGWELL &
ACORD, PLLC

ATTORNEYS AND COUNSELORS

320 South Boston Ave, Suite 700
Tulsa, Oklahoma 74103
Telephone: (918) 382-9200
Facsimile: (918) 382-9282

September 6, 2007

Via E-Mail

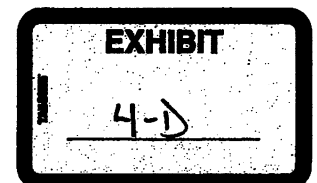
David Riggs
Riggs Abney Neal Turpen Orbison & Lewis
502 West 6th Street
Tulsa, Oklahoma 74119-1010

Re: ***State of Oklahoma v. Tyson Foods, Inc., et al.,***
Case No. 05-CV-0329 GKF-SAJ
In the U.S. District Court, Northern District of Oklahoma
Final Attempt at Resolution Regarding Communications Between
Plaintiff's Counsel and Kerry Kinyon

Dear David:

You have not responded to my correspondence of August 23rd in which I requested plaintiff's agreement not to communicate further with Mr. Kinyon on an informal basis. I don't wish to assume that your lack of response means that plaintiffs' counsel intend to engage in such communications despite the high risk of disclosure of protected information, so I am writing this last letter to you seeking plaintiffs' agreement on this point. As I have repeated to you, Mr. Kinyon possesses knowledge of highly significant attorney-client communications, attorney work product and attorney mental impressions. He lacks the training and expertise to be able to distinguish between raw factual information and information that is protected by privileges held by Peterson Farms, all of which is exacerbated by his obvious desire to injure his former employer. Thus, the risk of violating Peterson Farms' privileges through your continued communications is great.

I have reviewed the case law on this point, and there are opinions, which clearly highlight that this risk of unauthorized disclosure raises very serious ethical concerns for counsel in your position up to and including disqualification. I will take what ever steps are necessary to protect my client from this happening, and I will not hesitate to seek the intervention of the Court. Plaintiffs can avoid the embarrassment and expense of a motion filed with the Court by simply agreeing to the following:



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- 1) Specifically describe the substance of the communications between plaintiffs' counsel and Mr. Kinyon to date. Your prior correspondence addressed somewhat the nature of the communications, but you have not stated with any precision what Mr. Kinyon has told plaintiffs' counsel;
- 2) If Mr. Kinyon has provided any documents to plaintiffs', produce them immediately. You are already under an obligation to do so based upon Peterson Farms' prior discovery requests; and
- 3) Do not communicate with or accept any documents from Mr. Kinyon except through formal discovery processes, which provide counsel for Peterson Farms notice and an opportunity to protect its privileges.

I require that you respond to me in writing by no later than the close of business on Monday, September 10 with plaintiffs' answer.

Best regards

McDANIEL, HIXON, LONGWELL & ACCORD, PLLC



A. Scott McDaniel

ASM:jlw

cc: Sherry Bartley, Esq.